

Pursuant to Article IV, Section 14 of the Constitution of Texas, I hereby veto Senate Bill 367 because of the following objections:

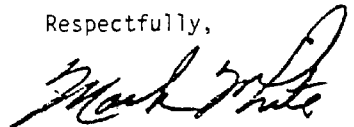
Through the home rule amendment to the Texas Constitution, the people of this state elected to place control of matters of interest to cities in the hands of the cities themselves. Consistent with powers vested in the cities, ordinances have been enacted by several locally elected city councils regulating signs and billboards. As a compromise between cities and billboard owners, these ordinances were adopted with provisions for amortization by the owners of the billboards as a means of compensation for their removal.

Having enjoyed the benefits of amortization, billboard owners now come forward seeking additional compensation. I do not know of another instance where it has been required by statute that an owner of property regulated in the public interest by an exercise of the police power is to be compensated in this manner. This bill establishes a serious and far-reaching precedent which, in my view, is clearly contrary to the public interest. Even dangerous, abandoned, or pornographic signs, if removal were to be required by a city ordinance, would have to be compensated under this bill. For the good of all Texans, our cities must not be burdened with such constraints upon their ordinance-making powers.

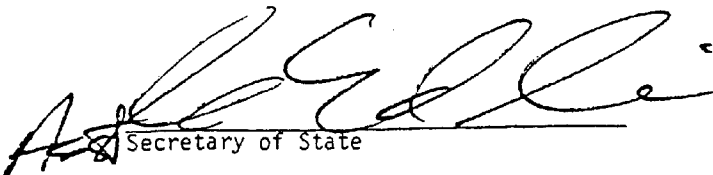
In Lubbock Poster Company v. City of Lubbock, 569 S.W. 2d 935 (Tex. Civ. App. -- Amarillo 1979, wit ref'd n.r.e.), cert. denied, 444 U.S. 833 (1979), the United States Supreme Court refused certiorari in a Texas case which recognized the viability of the amortization technique. In so doing, the court refused to negate the holding of our state appeals court that such ordinances are a valid exercise of the police power. I will not by my signature overrule our state and federal courts who have upheld the constitutionality of these ordinances.

Therefore, I veto SB 367.

Respectfully,



Mark White
Governor of Texas



Secretary of State

Rick Warren
5/25/83.